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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Russian Federation

1. The Committee considered the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15) at its 1246th and 1247th meetings, held on 2 and 3 March 1998. At its 1268th meeting, held on 17 March 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party for the timely submission of its report, its determination to report regularly, and for having sent a numerous and high-level delegation to meet with the Committee, which is an indication of the importance attached by the Government of the Russian Federation to its obligations under the Convention. The Committee also appreciates the open and constructive approach which characterized the dialogue with the delegation, as well as the additional information provided orally.

3. The Committee notes that the State party has made an effort to address some of the concerns expressed by the Committee in its concluding observations in connection with the twelfth and thirteenth periodic reports. However, the fourteenth report was rather an updating report focusing on developments that took place since the consideration of the previous report and not a comprehensive one, as had been requested by the Committee, and the fourteenth report also did not fully follow the general guidelines regarding the form and contents of reports.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that the Russian Federation is a large multi-ethnic, multi-religious and multicultural State composed of more than 176 nationalities and ethnic groups. Political changes that occurred in the last few years continue to affect the economic and social situation of the population.

5. Historically, there has been discrimination against individuals on ethnic grounds. In recent years inter-ethnic tensions have risen in various parts of the Russian Federation. In addition, the Russian Federation is a country in transition, with problems of coordination at the legislative and administrative levels.

C. Positive aspects

6. It is noted with satisfaction that since the examination of the previous reports, new legislation has been adopted that completes the provisions of the Constitution guaranteeing equality of rights and freedoms and prohibiting discrimination. Thus, a new Penal Code entered into force on 1 January 1997 which made changes to the penal legislation prohibiting discrimination on any grounds. Article 282 makes it a criminal offence to engage in deliberate acts intended to stir up national, racial or religious hatred or discord, to detract from national honour or dignity, to promote the idea of exclusiveness or the inferiority of citizens because of their religious beliefs, nationality or race, or directly or indirectly to restrict the rights of or establish privileges for citizens because of their race, nationality or attitude to religion. Article 282 also lays down punishments for such acts. Article 63 lays down the general rule that having "motives of national, racial or religious hatred or enmity" for committing a crime is an aggravating circumstance.

7. It is also noted that the National Cultural Autonomy Act, whose main purpose is to offer the members of all ethnic communities guarantees of national cultural autonomy, has entered into force. This Act provides a framework within which cultural development programmes are being established and an advisory council on national cultural autonomy has been created. During the period under review a number of autonomous regional, local and federal cultural entities have been established.

8. The Outline of Russian State Policy on Nationalities was adopted in June 1996. This outline lays down basic principles and approaches for use in addressing problems in relations between different nationalities, among which is the principle of equal rights for all ethnic groups. In order to implement the outline a governmental commission has been established and priority measures have been adopted.

9. It is also noted that a number of republics have adopted laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups.

10. The State Duma has been working on a number of important federal laws, inter alia, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act.

11. It is noted that efforts are being made to strengthen the court system and the independence of the judiciary. Thus, the Judicial System Act, which came into force at the end of 1996, contains guarantees of independence in the administration of justice. Efforts have also been made in the training of judges in matters relating to the exercise of citizens' rights and freedoms.

D. Principal subjects of concern

12. Concern is expressed over the increasing incidence of acts of racial discrimination and inter-ethnic conflicts that occurred in the State party.

13. The report contains limited information on the activities of the Prosecutor's Office and the judiciary to investigate and punish acts of racial discrimination. The oral information in this respect and the information about reparation for damages suffered as a result of such discrimination was limited.

14. Despite the efforts made, shortcomings in the legal framework for protecting all persons against racial discrimination persist. Thus, national legislation does not include a definition of racial discrimination along the lines of article 1 of the Convention. Moreover, neither the Constitution nor the Penal Code contains provisions giving full effect to article 4 (b) of the Convention.

15. Concern is expressed about the situation in Chechnya. It is noted that a number of important steps have been taken to bring about a peaceful settlement of the conflict. However, serious human rights violations still take place in this republic. Persistent efforts towards reconciliation have to be pursued.

E. Suggestions and recommendations

16. Although the Constitution sets up a framework for the protection of individuals against racial discrimination, it is suggested that further measures be taken in order to harmonize domestic legislation with the provisions of the Convention. In this respect the Committee recommends, in particular, that appropriate measures be taken to outlaw and combat all organizations and political groups and their activities that promote racist ideas or objectives, as referred to in article 4 of the Convention. It wishes to receive further information about the investigation of racial discrimination by prosecutors and its punishment by the courts.

17. Domestic legislation should be fully implemented in order to guarantee in practice enjoyment by everyone of the rights listed in article 5 of the Convention and, in particular, the rights to freedom of movement and residence and the right to a nationality.

18. The Committee invites the State party to provide, in its next report, further information on the following issues: (a) complaints and court cases

related to racial discrimination including the respective decisions and judgements, in accordance with article 6 of the Convention; (b) reparation for damages suffered as a result of discrimination in cases brought before courts; (c) measures taken by the State party to combat racial prejudice, to promote understanding among different groups and other issues included in article 7 of the Convention; (d) development regarding the bills currently under discussion in the State Duma Committee on Nationalities, as well as the bill banning the propagation of Fascism; (e) measures to ensure the adequate development and protection of less developed groups within the Federation; (f) the situation of Gypsies or Roma; (g) measures taken against organizations involved in racial propaganda; (h) the situation of the indigenous peoples of the North, Siberia and the Russian Far East.

19. The Committee recommends that the bills under discussion in the State Duma aimed at ensuring equality and non-discrimination on racial grounds, as well as the draft plan of action to put into effect the Outline of the State Policy on Nationalities, include means of supervision in which the groups intended to benefit are represented.

20. Increased attention should be given to programmes intended to improve relations between ethnic groups as well as to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

21. The training of judges and law enforcement officials in matters relating to the exercise of individuals' rights and freedoms and, in particular, on the right not to be discriminated against on racial grounds should be continued and developed.

22. Efforts aimed at strengthening the court system and the independence of the judiciary should continue.

23. Regarding the indigenous peoples, the Committee recommends that the State party consider ratifying ILO Convention No. 169.

24. The Committee recommends that further measures be taken in order to provide minorities and indigenous groups with elementary education in their own languages.

25. The Committee recommends that the State party reinforce its measures to protect human rights in Chechnya, Ingushetia and North Ossetia. Measures should be taken in particular to ensure that serious breaches of international humanitarian law do not remain unpunished, that the victims are afforded just and adequate reparation, and to ensure normal conditions of life and return for displaced persons.

26. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th Meeting of States Parties.

27. The Committee suggests that the State party address all the points raised in connection with the fourteenth report and ensure the dissemination

of the report and the concluding observations adopted by the Committee. The accepted procedure for individual communications under article 14 of the Convention should be made widely known in the State party in the appropriate languages.

28. The Committee recommends that the State party's next report, due on 6 March 1998, be a comprehensive one and follows the guidelines regarding the form and contents of reports. It should also address all the points raised in the present observations.